

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Amend the title.
2. Amend the Abstract.
3. Editorially amend the specification.
4. Cancel claims 1-12 without prejudice or disclaimer.
5. Add new claims 13-25.
6. Elect Group 1 (method claims), but also traverse the restriction requirement (see Remarks section D supra).

B. PRIOR IDENTICAL (NOW ABANDONED) APPLICATION

A prior identical application US SN 10/639,690 was allowed, but was not afforded national stage status from the PCT from which it originated. Failure to obtain national stage status via US SN 10/639,690 prompted revival of the national stage of the PCT application.

The amendments now implemented by this document are believed to bring the captioned application commensurate in all respects with the allowed (now abandoned) prior application US SN 10/639,690.

C. NEW CLAIMS

New independent method claims 12 - 18 have been added to replace original method claims 1 – 6. New independent apparatus claims 19 - 25 have been added to replace original apparatus claims 1 – 6.

New independent claims 13 and 19 more specifically describe how Applicants stop the heating process. Such stopping occurs when an optical loss exceeding a desired optical loss by a value is obtained. The excess value is calculated from a linear function

including two constants derived from loss measurements (e.g., loss measurements for this splice or for a splice between identical fibers having the same initial offset). The measurements are made by temporarily interrupting the heating during at least two time periods before the heating is stopped and by measuring the loss at the beginning of and at the end of the at least two time periods. For support, see, e.g., method steps 1 – 8 bridging pages 6 and 7 of the specification, as well as page 5 of the specification.

D. ELECTION

The restriction requirement of February 10, 2009 held the subject matter of original claims 1-6 to be non-obvious and patentably distinct from that of original claims 7-12. Applicant(s) hereby elect the invention of Group I, (upon which cancelled claims 1-6 and new claims 12 - 18 are readable) for further substantive examination.

This election is made with traverse. The prior allowed application US SN 10/639,690 did not sustain a restriction requirement, and was allowed with the same claims now present in the captioned application. A search of all claimed subject matter has therefore already been performed, so there is no serious burden to the Examiner for including/retaining all pending claims 12 – 25 in the current prosecution. Moreover, it is respectfully requested that the prior examination be given full faith and credit, and that the captioned application be passed to issue.

If Applicants' traverse is denied, it is respectfully requested that the non-elected claims be retained for use with a possible divisional application and/or right of petition be preserved.

E. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,
NIXON & VANDERHYE P.C.

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